

Docket Item #11  
BZA CASE #2004-00051

Board of Zoning Appeals  
December 9, 2004

**ADDRESS:** 213 EAST RAYMOND AVENUE  
**ZONE:** R-2-5, RESIDENTIAL  
**APPLICANT:** BENJAMIN AMES, OWNER

**ISSUE:** Variance to construct a second story addition in the required rear yard.

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CODE SECTION	SUBJECT	CODE REQMT	APPLICANT PROPOSES	REQUESTED VARIANCE
3-506(A)(3)	Rear Yard	19.50 ft*	14.70 ft	4.80 ft

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\* Based upon a one to one setback ratio and a building height of 19.50 feet to eave line of the new second-story addition roof which faces the south rear property line

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(insert sketch here)

**STAFF CONCLUSION:**

The staff recommends **approval** of the request because the it meets the criteria for a variance.

**I. Issue**

The applicants propose to build (1) a second story above the existing house located in the required rear yard and (2) build a two-story front addition with a gable style roof facing the front yard for the property at 213 East Raymond Avenue.

**II. Background**

The subject property is one lot of record with 4.92 feet of frontage facing East Raymond Avenue, a depth of 1,125.26 feet and totals 4,250 square feet of lot area. The triangular shaped property is substandard for a single-family lot.

The existing one-story brick single family dwelling is currently a complying structure in that it complies with the front, east and west side and rear yard setback requirements in the R-2-5 zone. The existing house is built 61.00 feet from the front property line facing East Raymond Avenue, 7.00 feet from the west side property line and 7.40 feet from the east side property line and 7.00 feet from rear south property line. The R-2-5 zone requires a front yard setback of 25.00 feet and a minimum side yard setback of 7.00 feet or one-third the building height whichever is greater. Based upon real estate assessment records, the house was constructed in 1960. The applicants purchased the property in 2002.

**III. Discussion**

The proposed second-story will be built over the footprint of the existing house. The proposed second-story measures 33.00 feet by 26.00 feet by 27.50 feet to the top of the roof. The second-story that will align with the existing building wall will continue to be located 7.40 feet from the east side property line, 7.00 feet from the west side property line and 14.70 feet from the south rear property. The proposed second-story does not meet the R-2-5 zone regulations as to the required setback from the south rear property line because of the increase in building height facing the rear property line. The proposed second-story is 19.50 feet in height to the new roof eave line. The existing building is located 14.70 feet from the rear yard property line. Therefore, the applicants must apply for a rear yard variance.

The proposed two-story front yard addition complies with the R-2-5 zone front and side yard setback requirements. The open rear deck located along the east side wall of the new front yard addition will also comply with the required east side yard and required front yard setbacks.

The details of the three major improvements to the existing house are as follows:

- (a) Build a second-story addition above the entire footprint of the existing house which measures approximately 27.00 feet wide by 30.00 feet deep and totals approximately 810 square feet. The walls of the second story will align with the walls of the existing house. The height of the new second-story addition from grade to eave line of the roof facing the east and west side property lines is 19.50 feet, and from grade to the eave line of the new roof facing the rear south property line is also approximately 19.50 feet. The house with the new second story will continue to be located 7.00 feet from the east side property line, 7.40 feet from the west side property line and 14.70 feet from the rear south property line. The new second story will accommodate two bedrooms, two bathrooms, washer and dryer and closets. A variance from the rear yard setback is required.
- (b) Build a new two-story front yard addition similar in architectural character to the main house. The proposed addition is approximately 27.50 feet in overall height from the ground to the ridge of the new roof and will align with half of the existing front building wall of the existing house. The new addition measures 14.00 feet by 14.00 feet and totals 392 square feet. The new addition will accommodate a living room on the first floor and master bedroom and closets on the second floor. The addition will be located 47.00 feet from the front property line facing East Raymond Avenue, 7.00 feet from the east side property line and 14.00 feet from the west side property line. No variance is required for the front addition.
- (c) Build an open deck along the east side building wall of the new front addition. The proposed open deck measures 8.00 feet by 12.00 feet. The deck will be located approximately 9.00 feet from the east side property line. No variance is required for the open deck.

The proposed improvements will comply with floor area requirements. (Refer to floor area calculations.) The subject property is not located within the Town of Potomac Historic District.

There have been no variances previously granted for the subject property. Since 1993, there have been no similar variance applications heard by the Board of Zoning Appeals in the immediate area of the subject property.

**IV. Master Plan/Zoning**

The subject property is zoned R-2-5, residential and has been so zoned since adoption of the Third Revised Zoning Map in 1951, and is identified in the Potomac West Small Area Plan for residential land use.

**V. Requested Variance**

Section 3-506(A)(3), Rear Yard:

The R-2-5 zone requires a rear yard setback of 7.00 feet or the building height, whichever is greater. The proposed second story is 19.50 feet in height to the eave line of the new roof. The existing building is located 14.70 feet from the rear south property line. The applicants request a variance of 4.80 feet.

**VI. STAFF ANALYSIS UNDER CRITERIA OF SECTION 11-1103:**

1. Does strict application of the zoning ordinance result in undue hardship to the property owner amounting to a confiscation of the property, or prevent reasonable use of the property?

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The property does not have difficult topography which prohibits or unreasonably restricts the use of the property. The lot is a triangular shape which prevents complete use of the lot. Staff notes that the property is substandard as to lot area; it contains slightly less than the 5,000 square feet of lot area for a single-family zoned lot. Also, the property has a lot width of 4.92 feet, far less than the required 50.00 feet for an interior lot in the R-2-5 zone. Staff concludes that the characteristics of the lot, its condition and the zoning rules combine to create a hardship and unreasonable restriction on the property.

2. Is the hardship identified above unique to the subject property, or is it shared by other properties in the neighborhood or the same zone?

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Strict enforcement of the zoning regulations does create a hardship to expand the existing house. The lot is dissimilar in configuration and character with other lots in size and width along East Raymond Avenue. The subject property is not similar in lot configuration nor placement of the house on the lot. The property is unique.

3. Was the hardship caused by the applicant and, if so, how was it created? Or did the condition exist when the property was purchased and, if so, did the applicant acquire the property without knowing of the hardship; how was the hardship first created?
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There is a showing of undue hardship. Although the house has been located in compliance with the R-2-5 zone requirements it is placed deep in the lot and combined with the east side property line placed at an acute angle to the remaining property lines, limits expansion on the property. The new improvements to the house will not bring the existing house any closer to the adjacent neighbors' properties to the east and west nor rear property line, it is only an increase in height and building mass that has changed. The proposed second story could be recessed to comply with the required rear setback. However, pulling the second-story back facing rear yard would result in an awkward architectural design that would be unreasonable. This lot cannot accommodate the proposed improvements without a variance.

4. Will the variance, if granted, be harmful in any way to any adjacent property or harm the value of properties?
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The requested variance, if granted, will not impair adjacent properties. The property to the east is the abandoned railroad right-of-way now used as city open space and parkland. The neighbors to the rear and west will now view a taller two-story building; however, the building will be no closer than existing building is now located. The applicants indicated that the most immediately affected adjoining neighbors support the requested variance.

5. Have alternate plans been considered so that a variance would not be needed?
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None that would meet the desires of the applicants.

6. Is any other official remedy available to relieve the hardship?
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No other remedy exists except a variance.

**DEPARTMENTAL COMMENTS**

Legend: C - code requirement R - recommendation S - suggestion F - finding

\* The applicant is advised that if the variance or special exception is approved the following additional comments apply.

Transportation and Environmental Services:

- C - 1 All existing overhead utilities are required to be placed underground when the point where the wires first contact the building is changed, or when the wires come from a different pole.
- C - 2 All utility lines are required to be underground serving new buildings.

Code Enforcement:

- C-1 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property.
- C-2 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-3 Alterations to the existing structure must comply with the current edition of the Uniform Statewide Building Code (USBC).
- C-4 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems.

Recreation (Arborist):

- F-1 No trees are affected by this plan.

Historic Alexandria (Archaeology):

- F-1 There is minimal ground disturbance involved in this project. No archaeological action is required.

Other Requirements Brought to the Applicant's Attention:

- C-1 A wall check survey plat shall be submitted to Planning and Zoning when the building footprint is in place, pursuant to Alexandria City Code section 8-1-12.